

## **REMARKS**

Claims 1-11 have been indicated to be "withdrawn" while being presented as originally filed. The withdrawal of the claims was based on the Examiner's decision that the prior election/restriction requirement was proper and Final.

Claims 19 and 25 rejected under 35 USC 112 have been amended to overcome the Examiner's formal objection.

Claim 12 stands rejected under 35 USC 102(e) as being anticipated by Brindze et al (US Patent 5,822,291).

Claim 13-29 stand rejected under 35 USC 103 (a) on the basis of Brindze et al in view of Bejerano et al (US Patent 4,270,153)

The rejection of claim 12 under 35 USC 102(e) as being anticipated by Brindze et al (US Patent 5,822,291).is respectfully traversed. Claim 12 calls for the forming of **random** optical patterns in the top or bottom surfaces or in the space between the top and bottom surfaces of an instrument. Forming a **random** pattern is not shown, taught or suggested in Brindze et al.

Brindze et al shows and teaches that a serial number may be formed on a disc to render it unique. But, this does not anticipate Applicants' invention of forming each instrument (e.g., disc) with a **random** pattern to impart uniqueness to the instrument. . For example: (a) In accordance with Brindze et al discs would be manufactured to contain data and then subsequently serial notations would be added to each disc to render them unique. In contrast thereto, in accordance with Applicants' invention the discs may be formed with their random pattern during the same manufacturing step. (b) If a very large number of discs were to be manufactured in accordance with Brindze et al, more and more

numbers and space would be required on the disc to accommodate the forming of the higher numbers. This is not the case with Applicants' invention where the randomness and uniqueness is not dependent on an ever increasing serial number. (c) In Brindze et al, the serial numbers may be readily replicated. In sharp contrast thereto, in the manufacture of instruments in accordance with Applicants' invention, even the manufacturer can not realistically duplicate the random pattern formed on an instrument. (d) Conceptually, instruments formed in accordance with Applicants' invention lend themselves to the ultimate in the prevention of counterfeiting. This may be achieved by reading the random pattern formed on an instrument and storing the pattern in a remote data base. Due to the randomness of the pattern on the instrument, a counterfeiter without access to the remote data base could virtually never duplicate the instrument.

In brief, Applicants' invention for forming discs with random optical patterns is not anticipated by Brindze et al taken alone or in combination with the other references of record.

Combining Brindze et al with Bejerano et al does not show teach or suggest Applicants' invention. Assuming, as claimed by the Examiner, that Bejerano et al teaches that an optical disc may be transparent or translucent, combining the two references still does not show teach or suggest the formation of a random optical pattern on a disc to impart uniqueness to the disc. Thus claim 12 defines patentably over these two references and the other references of record.

The Examiner's attention is directed to the Waters et al reference (US Patent 5,572,589) which was cited but not applied. Waters et al teaches the formation of discs containing data and the serializing of the discs to render them unique. Waters et al also mentions that different identifying numbers (values) may be assigned to the discs to render them unique, similarly to the teachings of Brindze et al. In addition, Waters et al states that the identifying values may be assigned on a random basis. However, this still does not show, teach or suggest forming a random optical pattern on each disc. Accordingly, claim 12 is submitted to define over Brindze et al in combination with Waters et al and Bejerano et al and the other references of record.

Claim 13 calls for the step of forming random optical patterns to include distributing a multiplicity of strands randomly between the top and bottom surfaces of a disc. This is not shown, taught or suggested in the cited references. Accordingly claim 13 is submitted to be patentable for its own reasons as well as those adduced for claim 12, from which it depends.

Claim 14 is submitted to be patentable for at least the same reasons as claim 13 from which it depends.

Claim 15 -18 are submitted to be patentable for at least the same reasons as claim 12.

Claim 19 has been amended to overcome the Examiner's formal objection and is submitted to be patentable for at least the same reasons advanced for claim 12, above.

Independent claim 20 and dependent claims 21 and 22 are submitted to be patentable for at least the same reasons adduced for claim 12 above.

Independent claim 23 and dependent claims 24 and 26 are submitted to be patentable for at least the same reasons adduced for claim 12, above.

Claim 25 has been amended to recite that the random optical pattern is formed between the top and bottom surfaces of the disc. As noted above for claim 13, this is not suggested in the references. Accordingly, claim 25, as amended, is submitted to be patentable for its own reasons as well as those advanced for claim 12, above.

Claim 27 has been amended to clearly call for forming a random optical pattern. Claim 27, as amended, is submitted to be patentable for its own reasons as well as those discussed for claim 12, above.

Claims 28 and 29 have been amended in formal and substantive respects to conform to the change made in claim 27. Claims 28 and 29 are submitted to be patentable for at least the same reasons as claim 27.

Newly added claim 30 and 31 dependent from claim 12, claim 32 dependent from claim 20, claim 33 dependent from claim 23 and claim 34 dependent from claim 27 have been added to claim the feature that, in accordance with Applicants' invention, the random optical pattern may be formed at the same time as the data to be read from the optical disc is written into or introduced into and onto the optical disc. This is not shown, taught or suggested in the cited references. Accordingly, the allowance of these claims is respectfully requested.

In conclusion, the allowance of claims 12 – 18, 19, as amended, 20-24, 25, as amended, 26, 27-29, as amended, and newly added claims 30-34 is respectfully requested.

**As per the Notice of Non-Compliance dated 12/05/03, the original amendment submitted on 8/13/03 is corrected to include the body of claims 1-11 amended to indicate that claims 1-11 are “withdrawn”.**

**Enclosed is a check for \$55.00 to pay for a one month extension of time and a copy of the notice received from the USPTO. I trust that this renders the Amendment fully compliant.**

Respectfully submitted

A handwritten signature in black ink, appearing to read "Henry I. Schanzer", written over a horizontal line.

Henry I. Schanzer

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